

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Dillon Bezeherntny	Team: Squad #12	CCRB Case #: 202208564	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 11/26/2022 2:09 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 5/26/2024	Precinct: 71		
Date/Time CV Reported Wed, 12/14/2022 4:22 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 12/14/2022 4:22 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Morgan Taylor	09070	966882	071 PCT
2. PO Victoria Figueroa	11659	955916	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Freddy Gironza	02289	972661	071 PCT
2. PO Timothy Williams	04793	966908	071 PCT
3. PO Andrey Lysak	16578	957793	071 PCT
4. SGT Eudy Santos	02084	952214	067 PCT
5. PO Nicholas Toner	28652	968845	067 PCT
6. PO Melvin Carpio	19803	958371	067 PCT
7. PO Joseph Loporto	09552	970671	071 PCT
8. SGT Fallyn Martis	00575	942140	071 PCT
9. PO Hunter Nuzzi	27359	972142	071 PCT
10. PO Mohammed Rahman	04071	964716	071 PCT
11. PO Daniel Juareztepehua	28412	972475	071 PCT
12. PO David Hansen	08438	952827	071 PCT
13. PO Adrian Duran	19454	959612	071 PCT
14. PO Katherine Tejada	06752	953474	071 PCT
15. PO Joel Torres	03111	970897	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Morgan Taylor	Force: Police Officer Morgan Taylor used physical force against § 87(2)(b)	§ 87(2)(b)
B . PO Morgan Taylor	Force: Police Officer Morgan Taylor tightly handcuffed § 87(2)(b)	§ 87(2)(b)
C . PO Morgan Taylor	Abuse: Police Officer Morgan Taylor sexually humiliated § 87(2)(b) through failure to cover.	§ 87(2)(b)
D . PO Victoria Figueroa	Abuse: Police Officer Victoria Figueroa sexually humiliated § 87(2)(b) through failure to cover.	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via telephone on December 14, 2022.

At approximately 2:00 AM on November 26, 2022, officers assigned to the 71st Precinct responded to multiple 911 calls at § 87(2)(b) in Brooklyn. In the first call, an unidentified 911 caller reported § 87(2)(b) knocking on neighbors' doors and threatening them. In a second call, § 87(2)(b) reported that § 87(2)(b) his neighbor, threatened him. Upon arrival at § 87(2)(b) in Brooklyn, officers learned from building security that § 87(2)(b) had allegedly threatened § 87(2)(b) with a knife. Officers then interviewed § 87(2)(b) who alleged that § 87(2)(b) had threatened him with a knife. When officers encountered § 87(2)(b) on a fifth-floor stairwell landing, § 87(2)(b) was bleeding from the face following a physical altercation with § 87(2)(b). The officers then arrested § 87(2)(b) for menacing § 87(2)(b) with a knife.

During § 87(2)(b) arrest, PO Morgan Taylor of the 71st Precinct allegedly pushed § 87(2)(b) against a wall before placing him in handcuffs (**Allegation A: Force**, § 87(2)(g)). PO Taylor and PO Victoria Figueroa of the 71st Precinct then escorted § 87(2)(b) downstairs in an elevator, where PO Taylor allegedly tightened § 87(2)(b) handcuffs (**Allegation B: Force**, § 87(2)(g)). As the officers escorted § 87(2)(b) his shorts fell down and remained down for several seconds in the building's vestibule, exposing his genitals (**Allegations C and D: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was then transported to the 71st Precinct stationhouse for arrest processing.

The investigation obtained 24 body-worn camera (BWC) videos, recorded by Sgt. Fallyn Martis, Sgt. Eudy Santos, PO Timothy Williams (Board Review 01), PO Joseph Loporto, PO Freddy Gironza, PO Morgan Taylor, PO Victoria Figueroa (Board Review 02), PO Mohammed Rahman, PO Hunter Nuzzi, PO Daniel Juarez-Tepehua, PO Katherine Tejada, PO Joel Torres, PO David Hansen, PO Andrey Lysak, PO Nicholas Toner, and PO Melvin Carpio of the 71st Precinct.

The investigation also obtained surveillance videos from § 87(2)(b) in Brooklyn, capturing the fifth floor, the first-floor elevator landing, the building's lobby, and the building's vestibule (Board Review 03).

As noted, § 87(2)(b) was arrested for Menacing in the second degree and Criminal Possession of a Weapon in the fourth degree. § 87(2)(b) was not arrested. The CCRB sent a spin-off complaint to IAB under case § 87(2)(b) to address officers' apparent failure to investigate § 87(2)(b) physical injuries.

Findings and Recommendations

Allegation (A) Force: Police Officer Morgan Taylor used physical force against § 87(2)(b)

§ 87(2)(b) provided a verified statement to the CCRB via telephone on December 4, 2022 (Board Review 04). He stated that a neighbor in his building, located at § 87(2)(b) in Brooklyn, assaulted him, resulting in two black eyes and a broken nose. § 87(2)(b) called a relative, § 87(2)(b) who lives in Amityville and was not present for this incident. § 87(2)(b) told § 87(2)(b) that she would call 911, though § 87(2)(b) did not know what § 87(2)(b) reported during that call, as he was not on the line. § 87(2)(b) was visibly injured and bloodied. He was wearing large, ill-fitting shorts with no underwear. § 87(2)(b) characterized himself as incoherent during this incident as a result of the assault prior to his encounter with the police. PO Taylor, PO Figueroa, and PO Williams located § 87(2)(b) on a fifth-floor stairwell landing. PO Taylor lifted § 87(2)(b) up

from where he was seated on the stairs, then “threw” him against the wall and placed him in handcuffs. § 87(2)(b) could not specify how he was thrown against the wall.

At 5 minutes 20 seconds, PO Williams’ second BWC video (Board Review 01) shows PO Taylor and PO Figueroa telling § 87(2)(b) to stand up from where he is still seated on the stairs. § 87(2)(b) stands up and the officers rear-handcuff him without incident. § 87(2)(b) is not pushed or thrown, nor does his body make contact with a wall in the stairwell during the handcuffing process.

PO Taylor provided a statement to the CCRB on April 14, 2023 (Board Review 06). She described handcuffing § 87(2)(b) without incident and did not describe any use of force. PO Figueroa provided a statement to the CCRB on May 5, 2023 (Board Review 05). She stated that PO Taylor did not push § 87(2)(b) during the handcuffing process or at any other point during this incident.

§ 87(2)(b) alleged that PO Taylor “threw” him against a wall but could not specify how he was thrown. PO Williams’ body-worn camera video shows that neither PO Taylor nor any other officer pushed § 87(2)(b) and that § 87(2)(b) never made contact with a wall during the handcuffing process. § 87(2)(g)

Allegation (B) Force: Police Officer Morgan Taylor tightly handcuffed § 87(2)(b)

§ 87(2)(b) (Board Review 04) stated that PO Taylor placed him in handcuffs. Once the handcuffs were secure, PO Taylor repeatedly tightened the handcuffs each time § 87(2)(b) tried to speak to the officers. PO Taylor did not issue any commands prior to tightening the handcuffs.

PO Taylor provided a statement to the CCRB on April 14, 2023 (Board Review 06). She stated that she did not tighten § 87(2)(b) handcuffs at any point, noting that was impossible for her to do so because it was PO Figueroa who secured the handcuffs on § 87(2)(b) and had the key. PO Taylor also noted that officers are trained to always double-lock a pair of handcuffs to prevent the handcuffs from becoming tighter or looser, though she could not recall if PO Figueroa double-locked the handcuffs in this incident.

PO Figueroa (Board Review 05) stated that neither she nor PO Taylor ever tightened § 87(2)(b) handcuffs after they were initially secured. PO Figueroa noted that because she handcuffed § 87(2)(b) PO Taylor could not have tightened the handcuffs at any point. Additionally, PO Figueroa confirmed that she double-locked § 87(2)(b) handcuffs.

PO Figueroa’s second body-worn camera video (Board Review 02) captures a conversation about the handcuffs, between § 87(2)(b) and PO Figueroa, at 10 minutes 11 seconds. § 87(2)(b) in a police vehicle, says, “You’ve got the bracelet... no it’s not the bracelet on this side, the opposite of you....” PO Figueroa responds, “If you move, sir, it’s going to get tight.” § 87(2)(b) says, “It’s been like that since I was on the elevator because [looking to his left, where PO Taylor is standing] she’s got a problem with me and I don’t know what I did to you, ma’am. I’m sorry.”

PO Williams’ body-worn camera video (Board Review 01) captures interactions in the elevator. At 5 minutes 20 seconds, PO Taylor and PO Figueroa tell § 87(2)(b) to stand up from where he is still seated on the stairs. § 87(2)(b) stands up as PO Figueroa moved his right arm behind his back. PO Taylor moves § 87(2)(b) left arm behind his back. § 87(2)(b) asks why he is being arrested. PO Williams tells § 87(2)(b) to give officers his hands and comply. PO Taylor holds a set of handcuffs in her left hand while PO Figueroa audibly secures handcuffs on § 87(2)(b) PO Taylor does not take any visible actions as one of the handcuffs is heard tightening. § 87(2)(b) does not say anything about the handcuffs. At 6 minutes 1 second, as PO Figueroa and PO Gironza are standing behind

§ 87(2)(b) bent over and leaning toward his handcuffs, § 87(2)(b) cries out in pain. It is not clear what causes any pain. PO Williams instructs § 87(2)(b) to stop moving his hands and holds his own hands up to demonstrate how § 87(2)(b) should be holding his own to avoid pain. PO Taylor takes no visible action during the handcuffing process other than holding § 87(2)(b) left arm. At 6 minutes 32 seconds, PO Williams walks to an elevator as PO Taylor and PO Figueroa escort § 87(2)(b) behind him. At 7 minutes 24 seconds, PO Williams rides in the elevator with § 87(2)(b) and officers, during which time PO Taylor does not take any visible action to tighten § 87(2)(b) handcuffs, and § 87(2)(b) does not complain that the handcuffs are tightened.

§ 87(2)(b) alleged that PO Taylor placed him in handcuffs, then continued to tighten the handcuffs each time that he spoke. In PO Figueroa's second body-worn camera video, § 87(2)(b) alleges that his left handcuff has been excessively tight since he was in the elevator. PO Williams' second body-worn camera video, which captures the sequence of events in question, does not capture PO Taylor taking any actions to tighten the handcuffs at any point. PO Williams' second body-worn camera video shows that PO Figueroa placed § 87(2)(b) in handcuffs, but there is no indication that she ever adjusted their tightness of the cuffs in the manner alleged by § 87(2)(b) in his interview (multiple adjustments to tighten the handcuffs in response to § 87(2)(b) attempts to speak). PO Williams' second body-worn camera video does capture § 87(2)(b) crying out in pain during the handcuffing process, but this occurs while PO Figueroa initially secures the handcuffs on § 87(2)(b). Body-worn camera videos do not capture any officer tightening § 87(2)(b) handcuffs after they are secured. § 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Morgan Taylor sexually humiliated § 87(2)(b) through failure to cover.

Allegation (D) Abuse of Authority: Police Officer Victoria Figueroa sexually humiliated § 87(2)(b) through failure to cover.

It is undisputed that § 87(2)(b) genitals were exposed while § 87(2)(b) was handcuffed and while officers escorted him outside.

§ 87(2)(b) (Board Review 04) stated that he was wearing sweat-shorts that were too large for him and that he was not wearing any underwear at the time of this incident. As PO Taylor and PO Figueroa were escorting § 87(2)(b) to the first floor in the elevator, his shorts fell down, exposing his genitals, at which point an officer pulled the shorts up and successfully covered his genitals. PO Taylor and PO Figueroa then escorted § 87(2)(b) from the elevator through the building's vestibule. While in the vestibule, § 87(2)(b) shorts fell a second time, exposing his penis for approximately five minutes before officers adjusted his shorts and properly covered him. During that time, § 87(2)(b) told officers that his shorts had fallen, but none of the officers acknowledged him.

PO Figueroa's second body-worn camera video (Board Review 02) shows PO Figueroa and PO Taylor escorting § 87(2)(b) through the building lobby and vestibule. At 8 minutes 36 seconds, § 87(2)(b) is escorted into the building's vestibule and says, "My penis is showing." The group stops momentarily in the vestibule. The video does not show whether § 87(2)(b) genitals are exposed at this time. At 8 minutes 51 seconds, the group begins moving again. As he crosses the threshold of the vestibule, § 87(2)(b) says, "You've got my penis showing. You have my penis showing." The group again pauses momentarily but it is unclear what is happening while stationary. At 9 minutes 2 seconds, the group begins moving again and § 87(2)(b) is escorted from the front of the building toward the street. The video does not show § 87(2)(b) physically resist against the officers in any way.

Surveillance cameras at § 87(2)(b) captured this portion of the incident. Video from a camera in the building's vestibule (Board Review 03) shows PO Taylor and PO Figueroa escorting § 87(2)(b) through the vestibule beginning at 1 hour 10 minutes 30 seconds. At 1 hour 10 minutes 34 seconds, § 87(2)(b) shorts have fallen down such that his genitals are exposed. At 1 hour 10 minutes 37 seconds, PO Taylor bends at the waist to lift § 87(2)(b) shorts by their waistband. PO Figueroa, situated on § 87(2)(b) right, does the same. While the shorts are being pulled up at the rear, § 87(2)(b) genitals remain visible above the front of his waistband, leaving them exposed. At 1 hour 10 minutes 49 seconds, PO Taylor and PO Figueroa continue to escort § 87(2)(b) outside while his genitals remain fully exposed. § 87(2)(b) does not resist the officers in any way.

PO Taylor (Board Review 06) recalled that § 87(2)(b) shorts were too large for him and that the shorts fell down twice while PO Taylor and PO Figueroa escorted him out of the building. PO Taylor stated that § 87(2)(b) did not do anything in particular to cause his shorts to fall. PO Taylor did not recall if § 87(2)(b) genitals were exposed as a result of the shorts falling down but stated that she and PO Figueroa adjusted the shorts twice by each grabbing their respective sides of § 87(2)(b) waistband and pulling the shorts upward. PO Taylor reviewed her BWC video from 9 minutes 27 seconds until 10 minutes 49 seconds, at which time she did hear § 87(2)(b) say to officers, "My penis is showing." In her CCRB interview, PO Taylor stated she could not verify if § 87(2)(b) was exposed during the incident because she and PO Figueroa were focused on escorting § 87(2)(b) to a police vehicle pursuant to his arrest. PO Taylor then reviewed the above-detailed surveillance video from the vestibule of § 87(2)(b) from 1 hour 10 minutes 30 seconds until 1 hour 10 minutes 50 seconds. PO Taylor acknowledged that, from the perspective of the surveillance footage, § 87(2)(b) genitals were exposed, but stated that in real time, she could not see that § 87(2)(b) genitals were exposed because she was escorting him from behind. PO Taylor offered no explanation when asked why she did not check § 87(2)(b) front side in response to his complaint about exposure.

PO Figueroa (Board Review 05) did not recall if § 87(2)(b) pants fell down or if his genitals were exposed during this incident but stated that if this did occur, it was because § 87(2)(b) was fidgeting and his shorts or pants were too large. PO Figueroa noted that officers can hold the waistband of a handcuffed individual's pants or shorts if they are ill-fitting to prevent the clothing from coming off. PO Figueroa further explained that an officer can hold a subject's arm with one hand and the waistband with the other, or that one officer could hold the subject's arms while another officer holds the subject's waistband. During her CCRB interview, PO Figueroa said, "If my pants are falling, baggy, down on the floor.... Would you want someone to see you like that? No, you want someone to pick your clothes up. That is the human way to do things" [35:27-35:50]. During the CCRB interview, PO Figueroa reviewed PO Taylor's BWC video from 9 minutes 10 seconds until 10 minutes 27 seconds, at which point she acknowledged she did hear § 87(2)(b) say, "You have my penis showing." PO Figueroa stated that, in real time, she could not worry about § 87(2)(b) pants because § 87(2)(b) was "twisting and fumbling" and could have fled. PO Figueroa then reviewed the above-detailed surveillance video of from the vestibule. In response, PO Figueroa acknowledged that § 87(2)(b) genitals were exposed. When asked why officers did not verify that their initial attempt to cover § 87(2)(b) had been successful, PO Figueroa stated that § 87(2)(b) was moving too much and that officers could not stop to assist him.

Per Patrol Guide Procedure 200-02, officers must value human life, respect the dignity of each individual and render services with courtesy and civility (Board Review 07).

Surveillance video shows clearly that § 87(2)(b) genitals became exposed while PO Taylor and PO Figueroa escorted him through the vestibule of § 87(2)(b). BWC videos confirm that he audibly complained of this exposure to PO Taylor and PO Figueroa. PO Figueroa acknowledged

that officers can take steps to prevent a prisoner's ill-fitting clothing from falling off while also safely escorting the prisoner. PO Figueroa also noted that "the human thing to do" when a civilian becomes exposed is to cover them. While the surveillance video from the vestibule shows PO Taylor and PO Figueroa pausing momentarily when § 87(2)(b) announced that his genitals were exposed and pulled the rear of his waistband up, they failed to cover his genitals, which remained fully exposed as they escorted him out to the street. As such, PO Taylor and PO Figueroa failed to cover § 87(2)(b) in a reasonable time and offered no valid justification for their failure to do so.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- PO Taylor has been a member of service for four years and has been a subject in three CCRB complaints and five allegations, none of which have been substantiated as of the writing of this report. § 87(2)(g) [REDACTED]
[REDACTED]
- PO Figueroa has been a member of service for nine years and this is the first CCRB complaint to which she has been a subject (Board Review 10).

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of April 19, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (Board Review 11).
- § 87(2)(b), [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad: 12

Investigator:	<u>Dillon Bezehertny</u> Signature	<u>Investigator Bezehertny</u> Print Title & Name	<u>06/08/2023</u> Date
Squad Leader:	<u>Samuel Ross</u> Signature	<u>IM Samuel Ross</u> Print Title & Name	<u>11/06/2023</u> Date

Reviewer:

Signature

Print Title & Name

Date